

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONALD AGEE, JR. et al.,

Plaintiffs,

v.

JOCELYN BENSON, et al.,

Defendants.

Case No. 1:22-CV-00272-PLM-RMK-JTN

**MOTION OF THE COMMISSION TO
STRIKE CERTAIN EVIDENCE
UNTIMELY PRESENTED BY
PLAINTIFFS**

NOW COME the Michigan Independent Citizens Redistricting Commission and its members¹ (collectively, the Commission), by counsel, and respectfully move this Court for an order striking from the record certain evidence Plaintiffs untimely presented for the first time in their post-trial filings.

This Motion is supported by the accompanying Brief in Support, which are incorporated herein by this reference. A Certificate is also filed in compliance with W.D. Mich. Civ. R. 7.1(d) reflecting counsel's unsuccessful attempt to gain Plaintiffs' concurrence with this motion.

Dated: December 8, 2023

Respectfully submitted,

/s/ Nathan J. Fink

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¹ The official-capacity defendants are Douglas Clark, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Litt, Brittni Kellom, Cynthia Orton, M.C. Rothhorn, Rebecca Szetela, Janice Vallette, Erin Wagner, Richard Weiss, and Dustin Witjes.

/s/ Richard B. Raile

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Counsel for Defendants, Michigan Independent Citizens Redistricting Commission, and Douglas Clark, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Litt, Brittni Kellom, Cynthia Orton, M.C. Rothhorn, Rebecca Szetela, Janice Vallette, Erin Wagner, Richard Weiss, and Dustin Witjes, each in their official capacities as Commissioners of the Michigan Independent Citizens Redistricting Commission